

STAFF REPORT



DATE: July 6, 2004
TO: Board of Directors
FROM: Rita K. Velasquez, General Manager
SUBJECT: PRESENTATION BY REB BIEBER REGARDING A
MULTI-USE ATHLETIC FIELD AT ELK GROVE PARK

RECOMMENDATION:

That the Board receive a presentation from Reb Bieber regarding a multi-use athletic field at Elk Grove Park and provide direction to staff.

BACKGROUND/ANALYSIS:

At your meeting of April 20, 2004, David Wigginton, Administrator of Parks and Recreation, presented a conceptual plan for the development of a multi-use athletic field within Elk Grove Regional Park.

There were several issues that concerned the Board. Direction was given to Staff, and as requested by the Board, this item is being brought back for your consideration.

As stated in the earlier Staff Report, the Junior Herd organization is proposing to fund the project. One concern the Board had was insuring the fund raising by the Junior Herd would occur in a timely manner so the CSD would not be committed to the project and therefore, burdened with the cost. Mr. Bieber will address the funding issue at your meeting. Should the Board concur with the project and the revised plan, an agreement between the CSD and the Junior Herd organization to insure that these fund raising timetables would be met will be prepared by CSD Staff and reviewed by Legal Counsel.

Attached is the original plan for the field presented at your April 20th meeting. Reb Bieber with the Junior Herd organization will present a plan that has been revised based on Board direction.

Please contact me prior to the meeting should you have any questions.

Respectfully submitted,

Rita K. Velasquez
General Manager

Attachment
(Please contact CSD Admin at 685-7069 for Attachment)

ELK GROVE COMMUNITY SERVICES DISTRICT

Your Independent Local Government Agency Providing Parks, Recreation, Fire and Emergency Medical Services

**ELK GROVE COMMUNITY SERVICES DISTRICT
MINUTES OF A REGULAR BOARD MEETING
Tuesday, June 22, 2004 – 6:30 p.m.
EGCSD Administration Building**

DRAFT

ATTENDANCE:

Directors present included Gerald Derr, Doug McElroy, Elliot Mulberg, Pat Perez, and Elaine Wright.

General Manager Rita Velasquez, Fire Chief Keith Grueneberg, Administrator of Parks & Recreation David Wigginton, and Administrative Services Director Jeff Ramos were also in attendance.

A. CALL TO ORDER/PLEDGE OF ALLEGIANCE

1. President Perez called the meeting to order at 6:34 p.m.
2. Director Derr led the Pledge of Allegiance.

B. ANNOUNCEMENTS/PRESENTATIONS

1. NONE

C. COMMUNICATIONS FROM THE PUBLIC

1. NONE

D. CONSENT CALENDAR

1. The Board approved the June 1, 2004 regular Board meeting minutes. Derr-Wright, unanimous.
2. The Board approved the June 8, 2004 special Board meeting minutes. Derr-Wright, unanimous.
3. The Board ratified payment of the May 2004 bills and payroll for the EGCSD, and received and filed the Budget Status Reports for the month of May 2004. Derr-Wright, unanimous.
4. The Board accepted the contract for the construction of the Fire Training Facility as complete and ratified the signing of the Contract Completion Notice by the General Manager. Derr-Wright, unanimous.
5. The Board adopted an update of District Policy No. 0058 – Fixed Assets. Derr-Wright, unanimous.
6. The Board set July 20, 2004 at 6:30 p.m. as the new advertised public hearing date in the CSD Board Room for the adoption of the environmental document for the Hal Bartholomew Sports Park in East Franklin. Derr-Wright, unanimous.

E. ADVERTISED PUBLIC HEARINGS

1. President Perez opened the Advertised Public Hearing at 6:38 p.m. to approve Resolution No. 2004-56, Adjusting the District Fire Department's Ambulance Fee Schedule. With no comments received from the public, the hearing was closed at 6:43 p.m. McElroy-Mulberg, unanimous.

A motion was made to approve Resolution No. 2004-56, Adjusting the District Fire Department's Ambulance Fee Schedule effective July 1, 2004. McElroy-Wright, unanimous.

2. President Perez opened the Advertised Public Hearing at 6:45 p.m. to adopt the revised fee schedule for Ordinance No. 8, Cost Recovery for Park and Landscaping Plan Check and Review Services. With no comments received, the hearing was closed at 6:48 p.m. McElroy-Wright, unanimous.

A motion was made to adopt the revised fee schedule for Ordinance No. 8, Cost Recovery for Park and Landscaping Plan Check and Review Services effective July 22, 2004. Wright-McElroy, unanimous.

F. PUBLIC HEARINGS

1. President Perez opened the Public Hearing at 7:15 p.m. to approve Resolution No. 2004-57, adopting the FY 2004-05 preliminary budget for the Elk Grove Community Services District. With no comments received, the hearing was closed at 7:18 p.m.

Jeff Ramos stated he was pleased to report that all budgets are within general fund allocations as identified in Figure 11 of the Master Plan. Major highlights in the budget include:

- a) completion and opening of the Wackford Community/Aquatic Complex;
- b) full-year operation of the Fire Training facility;
- c) construction of relocated Fire Station 72;
- d) renovation of Fire Station 74;
- e) addition of an engine company beginning September 1, 2004;
- f) development of fifteen new parks;
- g) planning for five additional parks;
- h) modular facility for operation of a pre-school program at the Johnson Park Rec Center;
- i) additional recreational programs to keep pace with population growth;
- j) an allocation for the CSD's share of LAFCO; and
- k) 15% property tax growth.

Items reviewed and approved by the Board include:

- a) the net concession revenues for the Elk Grove Pool, Wackford Aquatics Complex, and Kloss Softball Complex will be transferred to the Sports and Aquatic 04 sub budget from the 02 sub budget at the end of the fiscal year;
- b) emphasis will be placed on training rather than conferences within the Parks Department's budget, at the discretion of the Parks & Rec Administrator;
- c) implement a 20th Anniversary Marketing Campaign to promote the District, to include a "Quality of Life" photo contest; "Quality of Life" calendar for public distribution, and miscellaneous marketing items.

Jeff indicated changes made by the Board tonight will be included in the final budget scheduled for adoption on August 3, 2004. With that, a motion was made to approve Resolution No. 2004-57, adopting the FY 2004-05 preliminary budget for the Elk Grove Community Services District. Derr-Wright, McElroy, Perez - yes; Mulberg - abstain.

2. The Public Hearing to approve Resolution No. 2004-58, adopting the FY 2004-05 preliminary budget for the District-Wide Landscape & Lighting Assessment District was opened at 7:43 p.m. With no public comments received, the hearing was closed at 7:45 p.m. McElroy-Derr, unanimous.

Highlights of items in the preliminary FY 2004-05 District-Wide Landscape & Lighting Assessment District budget include:

- a) the addition of a Park Maintenance Worker I;
- b) the maintenance and operating expenditures for a full fiscal year of Elk Grove Regional Park;
- c) reallocation of one-half of the Elk Grove Boulevard median acreage to the East Franklin Benefit Zone;
- d) a 5-year lease purchase of an aerator and tractor;
- e) the purchase of a trailer to transport the aerator and tractor;
- f) the purchase of a water main leak detector;
- g) the purchase of an arrow board, needed for employees' safety when working on or near roadways;
- h) the purchase of a sod cutter;
- i) the purchase and installation of a fertilizer injection pump at Nottoli Park.

A motion was made to approve Resolution No. 2004-58, adopting the preliminary budget for FY 2004-05 for the District Wide Landscape & Lighting Assessment District; authorizing the General Manager to begin the recruitment process for a Park Maintenance Worker I; soliciting bids for the fixed assets identified in the Landscape & Lighting budgets; and awarding the bids to the lowest responsible bidder or bring back to the Board for approval, as set forth in the policy. McElroy-Wright, Derr, Perez - yes; Mulberg - abstain.

G. STAFF REPORTS

1. The Board authorized the Fire Chief to give a conditional offer of employment to 12 firefighter/paramedic applicants and 3 firefighter applicants. Mulberg-McElroy, unanimous.

H. BOARD OF DIRECTORS BUSINESS

1. In response to Director McElroy's request that staff work closely with the City of Elk Grove to discuss the consolidation of some of the smaller park sites in the Laguna Ridge Specific Plan, Rita stated as indicated in the Staff Report, City staff is agreeable with either increasing the size of those parks or adding that acreage to other parks in the plan. CSD staff will continue to work with the City on the Laguna Ridge Specific Plan, as well as develop a Finance Plan based on the additional parks and open space included in the plan.
2. Fire Committee - Director McElroy - No report.
3. Parks and Recreation Committee - Director Wright - No report.
4. Budget/Finance/Insurance Committee - Director Mulberg - No report.
5. Policies & Procedures Committee - Director McElroy - No report.
6. Strategic Planning Committee - Director Derr - No report.
7. Fire Communications Board - Chief Grueneberg reported an agreement was ratified with Local 522; a personnel matter was resolved; and William Harry will be coming on Board July 1, 2004 as the new Com Center Director.
8. Senior Center Board - President Perez stated the Senior Board met earlier today to discuss the slower-than-expected pace of the center remodel. With the transition of a new Board in July, an ad-hoc committee will be formed to look at developing the Poppy Ridge property in order to generate some revenue to offset the property tax obligations for the property. The Board thanked the volunteers and the Advisory Committee for the work they had done this past year.

9. Local Agency Formation Commission (LAFCo) – Director Mulberg indicated the annexation of Walnut Grove to the Sacramento County Regional Sanitation District was approved, and the municipal service review and updated sphere of influence for Sacramento Metro Fire District were adopted.
10. Sacramento County Treasury Oversight Committee – Jeff Ramos – No report.
11. Miscellaneous Reports – None.

I. COMMUNICATIONS FROM THE PUBLIC

1. NONE

J. IDENTIFICATION OF ITEMS FOR FUTURE MEETING

1. President Perez asked a Proclamation be prepared for Elk Grove Unified School District Superintendent Dave Gordon, who has accepted a position with the Sacramento County Office of Education.
2. Director McElroy requested a report be included with the next Department Head verbal report with regards to the extent of Dan Kunz's involvement with the Elk Grove Senior Center remodel.

K. ADJOURNMENT TO EXECUTIVE SESSION

1. President Perez adjourned to an Executive Session at 8:04 p.m.

L. EXECUTIVE SESSION

The closed Executive Session was opened at 8:08 p.m. to discuss the following items:

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION –
TITLE: ADMINISTRATIVE SERVICES DIRECTOR
(*Government Code Section 54957*)
2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant Exposure to Litigation Pursuant to Subdivision (b)
of Section 54956.9 – One Case
(*Government Code Section 54945.9(b)*)

M. REOPEN REGULAR MEETING

President Perez re-opened the regular meeting at 8:24 p.m.

N. ADJOURNMENT

With nothing to report out of Executive Session and no further business, President Perez adjourned the regular meeting at 8:25 p.m.

Respectfully submitted,

Rita K. Velasquez
Secretary of the Board

STAFF REPORT

DATE: July 6, 2004
TO: Board of Directors
THROUGH: Rita K. Velasquez
FROM: Karen Liu-Blaschke, Administrative Assistant
SUBJECT: LETTERS OF APPRECIATION



RECOMMENDATION:

Receive and file letters of appreciation to the EGCSO Fire Department.

BACKGROUND/ANALYSIS:

Attached is a letter from Senator Barbara Boxer, expressing her gratitude to the CSO Fire Department for offering "Fire Ops 101" at the William Perry Schulze Training Center, giving local, state, and federal elected officials an opportunity to learn firsthand what firefighters encounter during the course of their duties.

Also included are letters of appreciation from a resident thanking the crew who assisted her during the transport of her husband to a local hospital, and a letter from Daniel Grueneberg, thanking Chief Grueneberg for allowing him to come to the department to complete his community service project.

Respectfully submitted,

Karen Liu-Blaschke
Administrative Assistant – Operations

Attachments

(Please contact CSO Admin @ 685-7069 for Attachments)

ELK GROVE COMMUNITY SERVICES DISTRICT

Your Independent Local Government Agency Providing Parks, Recreation, Fire and Emergency Medical Services

STAFF REPORT

DATE: July 6, 2004

TO: Board of Directors

FROM: Rita K. Velasquez, General Manager

**SUBJECT: RENEWAL OF ADMINISTRATIVE SERVICES DIRECTOR'S
(JEFF RAMOS) EMPLOYMENT CONTRACT**



RECOMMENDATION:

That the Board authorizes the General Manager to offer an employment contract extension to Jeff Ramos, Administrative Services Director.

BACKGROUND/ANALYSIS:

The Employment Contract for Jeff Ramos, Administrative Services Director is set to expire June 30, 2005. Paragraph X of this contract allows for the early extension based on satisfactory performance evaluation by the General Manager.

I have evaluated Jeff Ramos, who's score was significantly higher than satisfactory. Therefore, I request authorization to offer an extension of this contract for a term not to exceed the end date of June 30, 2008. All other provisions in the existing contract will remain.

I think you will agree with me that Jeff has been a very devoted and hard-working employee for the District, which helps to insure the success of the CSD.

Respectfully submitted,

Rita K. Velasquez
General Manager

STAFF REPORT

DATE: July 6, 2004
TO: Board of Directors
FROM: Rita K. Velasquez, General Manager
BY: Karen Liu-Blaschke, Administrative Assistant
SUBJECT: PROCLAMATION HONORING EGUSD SUPERINTENDENT
DAVID W. GORDON



RECOMMENDATION:

The Board approves the attached Proclamation honoring Superintendent David W. Gordon for his outstanding work with the Elk Grove Unified School District and congratulate him on his appointment as Sacramento Superintendent of Schools with the Sacramento County Office of Education.

BACKGROUND/ANALYSIS:

The attached Proclamation honors David W. Gordon, Superintendent of the Elk Grove Unified School District since 1995, for his strong and effective leadership in one of the fastest growing districts in the nation, currently servicing more than 55,600 students covering 320 square miles of Sacramento County.

Mr. Gordon has a statewide and national reputation as an innovator in areas such as assessment, teacher education, and special education; it is therefore befitting that he has been appointed Sacramento County's Superintendent of Schools effective July 2004 with the Sacramento County Office of Education (SCOE).

SCOE plays a leadership role in the delivery of quality education to the students in Sacramento, responsible for educating more than 30,000 children and adults and providing support services to over 228,000 students in 16 school districts.

Congratulations to Mr. Gordon on his appointment and thank you for your dedication and commitment to enhancing the curriculum and academic success of students in the Elk Grove Unified School District over the past nine years. You will be missed in this community.

Respectfully Submitted,

Karen Liu-Blaschke
Administrative Assistant

ELK GROVE COMMUNITY SERVICES DISTRICT

Your Independent Local Government Agency Providing Parks, Recreation, Fire and Emergency Medical Services

PROCLAMATION

HONORING DAVID W. GORDON, SUPERINTENDENT ELK GROVE UNIFIED SCHOOL DISTRICT

WHEREAS, David W. Gordon has served as Superintendent of the Elk Grove Unified School District since 1995; and

WHEREAS, Mr. Gordon was responsible for 51 schools, with a budget totaling \$500 million in an ethnically and economically diverse district of more than 55,600 students covering 320 square miles of Sacramento County, California; and

WHEREAS, prior to becoming Superintendent, Mr. Gordon served as Elk Grove's Assistant Superintendent of Elementary Education from 1991 to 1995; and

WHEREAS, prior to coming to Elk Grove, Mr. Gordon worked for 17 years in the California State Department of Education as Deputy State Superintendent of Public Instruction from 1985 to 1991; Associate Superintendent for Curriculum, Instruction, and Assessment from 1983 to 1985; and Assistant Director of Program Evaluation and Research with the lead responsibility for developing California's student proficiency test and the CBEST Teacher Competency Test during the late 1970s and early 1980s; and

WHEREAS, Mr. Gordon holds a B.A. Degree from Brandeis University, a Master of Education and a Certificate of Advanced Study in Educational Administration from Harvard University, and served on numerous education boards and commissions.

NOW THEREFORE BE IT PROCLAIMED, that the Board of Directors of Elk Grove Community Services District on this 6th day of July 2004, recognize Superintendent David W. Gordon for his dedication and commitment to enhancing the curriculum and academic success for hundreds of thousands of students in the Elk Grove Unified School District, and furthermore congratulate him on his appointment as Sacramento County Superintendent of Schools with the Sacramento County Board of Education.

Pat Perez, President

Elaine Wright, Vice President

Gerald H. Derr, Director

Douglas McElroy, Director

Elliot Mulberg, Director

Rita K. Velasquez, Secretary

STAFF REPORT



DATE: July 6, 2004

TO: Board of Directors

FROM: David Wigginton, Administrator Department of Parks and Recreation

BY: Jenny Smith, Advance Planning Analyst

**SUBJECT: PUBLIC HEARING - REVISED PARK REGULATIONS FOR EGCS D
ORDINANCE NO. 9 ESTABLISHING PARK REGULATIONS**

RECOMMENDATION

That the Board of Directors adopt or adopt with modifications, the revised park regulations for Ordinance No. 9 establishing park regulations.

BACKGROUND

Staff revised the District park regulations, previously adopted from the County of Sacramento, to update and make them more applicable to the District. The proposed park regulations have been reviewed by the Elk Grove Police Department, the Park and Recreation Committee, the full Board and the District's Legal Council. All recommendations made during these reviews have been included in the proposed park regulations included in Ordinance No. 9 (Attachment A).

Since the full Board review of the revised park regulations, additions have been made to the skate park regulations for the opening of the future skate park at the Wackford Community and Aquatic Complex (Page 10 of Attachment A. Additions noted in italics). The additions to the skate park regulations have been reviewed by the District's Legal Council.

Adoption of the revised park regulations requires a public hearing, which the Board set for tonight's meeting. Notice of the public hearing was published in the Elk Grove Citizen June 4th and in the Sacramento Bee Elk Grove Section June 10th. If adopted tonight, Ordinance No. 9 will be published in the Elk Grove Citizen July 14th and in the Sacramento Bee Elk Grove Section July 15th and will become effective August 6, 2004.

Should you have any further questions, please contact me prior to the Board Meeting.

Respectfully Submitted,

David L. Wigginton, Administrator
Department of Parks and Recreation

Attachments

ELK GROVE COMMUNITY SERVICES DISTRICT

Your Independent Local Government Agency Providing Parks, Recreation, Fire and Emergency Medical Services

Exhibit “A”
Elk Grove Community Services District Parks and Recreation
Park Regulations

Chapter 1

1.01 Definitions

- a. “District” means the Elk Grove Community Services District.
- b. “Administrator” means the Administrator of the Elk Grove Community Services District Department of Parks and Recreation or his/her authorized representative.
- c. “Department” means the Elk Grove Community Services District Department of Parks and Recreation.
- d. “Board of Directors” means the Board of Directors of the Elk Grove Community Services District.
- e. “Park/recreation facility” means any body of water, land, recreation area, park, trail, corridor, building, structure, system, equipment, machinery or other appurtenance owned, managed, controlled or operated by the Elk Grove Community Services District Department of Parks and Recreation. (Enacted July 6, 2004.)

1.05 Permit--Application Contents

- a. Whenever a permit is required by provisions in this ordinance, an application shall be filed with the Administrator, a minimum of two to eight weeks prior to the date, depending on the purpose of the permit, stating:
- b. The name and address of the applicant;
 - 1. The name and address (no post office boxes) of the person, group, organization or corporation sponsoring the activity;
 - 2. The nature of the proposed activity;
 - 3. The dates, hours, and park/recreation facility for which the permit is desired;
 - 4. An estimate of attendance; and
 - 5. Any other information which the Administrator, regarding public health, safety and welfare, finds reasonably necessary to a fair determination as to whether a permit should be issued.
- c. The Administrator, when considering a permit application, shall assess and evaluate the potential disturbances to other park/recreation facility users or the residents in the surrounding neighborhoods. In doing so, the Administrator shall consider the age of the participants, the hours of the activity, the type of activity proposed, the extent and type of advertising thereof, the condition of the premises, including access thereto and other similar and pertinent factors. The Administrator shall designate the minimum number and type of persons who shall be required to be present to enforce laws and regulations and maintain decorum and pedestrian and vehicular traffic control at or about the premises of the activity.
- d. The Administrator shall assess and evaluate such activity or the use of the requested park/recreation facility and, considering the nature of the activity or use, may determine whether or not it will create unusual wear and tear of District park/recreation facilities or accumulation of trash. Upon making such determination, the Administrator may impose conditions on the activity.
- e. The Administrator’s decision shall be based upon the exercise of his/her discretion and in light of the above factors and shall be rendered to promote and protect the health, safety and welfare of the participants in the activity and the spectators who may be drawn thereto, and including the property involved, and the community at large. (Enacted July 6, 2004.)

1.06 Permit--Standards for Issuance

The Administrator shall issue a permit hereunder when he/she finds:

- a. That the proposed activity or use of the park/recreation facility will not unreasonably interfere with or detract from the general public enjoyment of the park/recreation facility;
- b. That the proposed activity or use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety, and recreation;
- c. That all conditions including, where applicable, the payment of fees, approval of the Board of Directors, and insurance coverage, are met;
- d. That the proposed activity or use is not reasonably anticipated to incite violence, crime, or disorderly conduct;
- e. That the proposed activity or use will not entail unusual, extraordinary, or burdensome expense or security operation by the District; and
- f. That the park/recreation facilities desired have not been reserved for other use. (Enacted July 6, 2004.)

1.07 Violation of Regulations--Sanctions

- a. Unless otherwise stated in this ordinance, a violation of any of the provisions of this ordinance, or failure to comply with any of the regulatory requirements of this ordinance, is a misdemeanor subject to the procedures described in Section 19 of the California Penal Code.
- b. The Administrator shall have the authority to revoke a permit upon a finding of violation of any regulation contained in this ordinance or upon a finding of violation of other District or City regulation or law of this state.
- c. The Administrator shall have the authority to eject from any park facility any person acting in violation of regulations contained in this ordinance.
- d. The regulations contained herein shall not prohibit any person authorized by the Administrator from the normal exercise of requested, assigned, or contractual duties. (Enacted July 6, 2004.)

1.10 Penalties

- a. Every violation of this ordinance constituting a misdemeanor is punishable by a fine not exceeding \$1,000, imprisonment in the county jail not exceeding six months, or by both.
- b. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this ordinance is committed, continued, or permitted by any such person, and shall be punished accordingly.
- c. Malicious injury or destruction of any real or personal property which constitutes vandalism under the provisions of Section 594 of the Penal Code of the State of California, shall be prosecuted as a violation of Penal Code Section 594 and shall be punishable as either a misdemeanor or a felony, as provided in Penal Code Section 594. Under Penal Code Section 594, if vandalism results in damage of \$400 or more, the vandalism may constitute a felony punishable by a fine of not more than \$10,000 or up to a year in state prison, or both.
- d. Effective July 1, 1993, any person violating or failing to comply with the provisions of Sections 25(a), 25(b), 75(d), or 75(e) of this ordinance shall be subject to civil penalties, fees, charges and procedures. (Enacted July 6, 2004.)

1.15 Closure of Facilities

The Administrator shall have the authority to close any park/recreation facility or portion thereof and require the exit of all persons therein when he/she determines that conditions exist in said

facility or portion thereof, which present a hazard to the facility or to public safety. (Enacted July 6, 2004.)

1.20 Park, Recreation and Service Fees--Purpose

Section 61621.5 of the Government Code of the State of California provides that a Community Services District may charge for the use of its facilities and property or services provided in District parks or facilities so long as the charges are reasonable. The purpose of this Section and Sections 1.21, 1.22, 1.23, and 1.25 is to provide for reasonable park fees to be charged by the District for use of park facilities and property or services provided in District parks or facilities. (Enacted July 6, 2004.)

1.21 Park and Recreation Facility Use Fees--Establishment

By Board approval the District may charge fees for park use and use of various facilities or services at one or more of the District parks or recreation facilities, and add to, subtract from, increase or decrease such charges. (Enacted July 6, 2004.)

1.22 Park, Recreation and Service Fees--Criteria

User fees for District park/recreation facilities and services within District boundaries established pursuant to this ordinance shall comply with the following criteria:

- a. Park fees on a per person or per vehicle basis, or both, may be charged in amounts that are reasonable as determined by the District's Board of Directors.
- b. User fees for facilities and services within District park/recreation facilities shall be charged in amounts that are reasonable as determined by the District's Board of Directors. Examples of the types of facilities and services for which fees may be charged include, but are not limited to, the following: parking; swimming; reservation of buildings and other facilities for exclusive use; participation in organized athletic and other programs of recreation. (Enacted July 6, 2004.)

1.23 Schedule of Fees

The schedule of fees may be established by Board approval and shall be applicable to the indicated District park/recreation facilities during the hours of operation of those parks and facilities. The Administrator shall determine the hours of operation of District park/recreation facilities based on the following criteria:

- a. Weather conditions;
- b. Seasonal recreation activities scheduled or expected to occur at the park/recreation facilities;
- c. Nature or extent of public use of the park/recreation facilities;
- d. Cost effectiveness of operation of the park/recreation facilities. (Enacted July 6, 2004.)

1.25 Violations

- a. It is unlawful for any person to enter or remain in any park/recreation facility without having paid the required fee.
- b. Whenever the Administrator determines that parking or standing of vehicles in a District park/recreation facility would be disruptive to park users or create dangerous conditions, then the Administrator shall provide for the erection and posting of signs indicating that the parking or standing of vehicles is prohibited, limited or restricted. It is unlawful for any person to park a vehicle or allow a vehicle to stand in a District park/recreation facility contrary to the prohibitions of any sign authorized by this Chapter. (Enacted July 6, 2004.)

1.30 Failure to Obtain Required Permit

No person shall use, occupy, or otherwise remain in any District park/recreation facility or portion thereof for which a permit is required without first having obtained such permit. (Enacted July 6, 2004.)

1.31 Priority of Use

Any person using a District park/recreation facility or portion thereof which may be reserved by obtaining a permit, but who has not obtained such a permit, shall vacate said area when holders of a valid permit present themselves. (Enacted July 6, 2004.)

1.32 Exhibiting Permit

No person shall fail to produce and exhibit a permit he/she claims to have upon request of any District employee or any peace officer who desires to inspect said permit for the purpose of enforcing compliance with any regulations in this ordinance. (Enacted July 6, 2004.)

1.35 Selling and Advertising

- a. Within the boundaries of any District park/recreation facility, no person shall sell, vend, peddle, expose, offer for sale, or distribute after sale to the public, any merchandise, service, or property, or sell tickets for any event, nor shall any person distribute, circulate, give away, throw, or deposit in or on any park/recreation facility any handbills, circulars, pamphlets, papers, or advertisements, which material calls the public attention in any way to any article or service for sale or hire, nor within any park/recreation facility shall any person solicit or collect donations of money or other goods from the public, without express approval of the Administrator for such activity within the specific park/recreation facility.
- b. The Administrator may approve requests unless, in the discretion of the Administrator, the request is an unusual one, which should be submitted to the Board of Directors for approval. (Enacted July 6, 2004.)

1.40 Restrooms and Washrooms

- a. Male persons shall not enter any District restroom or washroom set apart for females, and female persons shall not enter any District restroom or washroom set apart for males, except this shall not apply to children under the age of eight years who are accompanied by a person who is of the sex designated for that facility and who has reason to be responsible for that child. A violation of the provisions of this section is a misdemeanor.
- b. No person shall deposit, by means of urination or defecation, any human waste material in any park/recreation facility other than in public toilet or restroom designed to receive waste material. (Enacted July 6, 2004.)

1.45 Water Pollution

While within the boundaries of any District park/recreation facility, no person shall throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pool, pond, lake, or other body of water or in any tributary, stream, or drain flowing into such waters, any substance, matter, or thing, liquid or solid, including, but without limitation to, particles or objects made of paper, metal, glass, garbage, rubbish, rubber, fuel, food matter, wood, fiber, and plastics. (Enacted July 6, 2004.)

1.46 Refuse

No person shall dump, deposit, or release any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or trash in or on any District park/recreation facility, except that refuse which is incidental to the use of the facility may be deposited in the receptacles provided thereof. For purposes of this section, an incinerator, stove, fire ring, barbecue, or other device used to contain fires or for cooking is not a proper receptacle for refuse or other waste material. (Enacted July 6, 2004.)

1.50 Smoking

No person shall smoke any substance in any area designated as a nature trail, nature area or within 25 feet of a children's playground or tot lot sandbox area or in or on any District park/recreation facility where smoking is prohibited. (Enacted July 6, 2004.)

1.51 Consumption of Alcoholic Beverages

- a. No person shall possess any can, bottle or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which has been partially removed, in any area designated as a nature trail, nature area or on or within any District park/recreation facility which has been posted with signs prohibiting such possession except at events in which alcohol has been allowed by a permit from the Administrator. The Board of Directors may designate, or authorize the Administrator to designate, the park/recreation or park facilities to be posted.
- b. It shall be unlawful for any person under twenty-one (21) years of age to be in possession of an alcoholic beverage while such person is in or upon any park/recreation facility. Violation of the provisions of this section shall constitute a misdemeanor and shall be punishable pursuant to the provisions of Government Code Section 25132. (Enacted July 6, 2004.)

1.55 Fires

- a. No person shall ignite, maintain, or use any fire in any place within any park/recreation facility except in a barbecue cooker or other cooking device authorized by the Administrator for that purpose.
- b. No person shall ignite or maintain a fire of materials deposited in any can, box, trench, pit, or other receptacle maintained for the purpose of garbage disposal or incineration within a District park/recreation facility. (Enacted July 6, 2004.)

1.56 Fireworks

No person shall possess or ignite in any manner any firecracker or fireworks, including any article for the making of a pyrotechnic display. Nothing contained in this section, however, shall prohibit any discharge or display of fireworks defined and classified as "safe and sane fireworks" as defined by Sections 12505, 12508, and 12529 of the California Health and Safety Code at any public gathering or patriotic celebration provided a permit for such discharge or display has been obtained from the Administrator and a fire permit has been obtained from the Elk Grove Fire Department. (Enacted July 6, 2004.)

1.57 Firearms, Air Guns, and Other Weapons

No person other than peace officers in the discharge of their duties shall use, maintain, possess, fire, or discharge any firearm, air gun, spring gun, bow and arrow, slingshot, or any other weapon

potentially dangerous to wildlife or human safety, except in areas, at times, and under conditions designated by the Administrator for such use. A violation of the provisions of this section is a misdemeanor. (Enacted July 6, 2004.)

1.60 Animals

No person shall:

- a. Hunt, molest, harm, provide a noxious substance to, frighten, kill, trap, chase, tease, shoot, or throw missiles at any animal within the boundaries of any park/recreation facility, nor remove nor have in his possession the young, eggs, or nest of any such creature;
 - b. Abandon any animal, dead or alive, within any park/recreation facility;
 - c. Remove any animal not his own within any park/recreation facility; exception is made to the foregoing in that in proper season, fish may be fished and removed from areas designated for fishing by licensed persons.
 - d. Bring into, maintain or allow in or upon any park/recreation facility any dog, cat, or other animal except a horse, unless such animal at all times is kept on a leash of sufficient strength and durability that it cannot be broken by the animal so leashed, and no longer than six feet in length, and be under the full and complete physical control of its owner or custodian at all times. The Administrator may designate areas and times within which persons may show, demonstrate, or train unleashed animals but under full control of their owners or custodians.
 - e. Permit cattle, sheep, goats, horses, or other animals owned by him/her or in his/her possession to graze within the boundaries of any park facility without express approval of the Board of Directors.
 - f. Ride a horse, pony, mule, burro, or any other animal upon, over or across any park/recreation facility, except at times and upon roads or trails designated for the riding of such animals;
 - g. Permit any animal owned by him/her, or in his/her possession, to be brought into or remain upon the premises of any park/recreation facility, if the Administrator has given oral or written notice to remove that animal from such premises. The Administrator may give such notice if such animal is known to the Administrator to at any time have caused any injury or damage to any person, other animal or property of another while upon the premises of any park/recreation facility;
 - h. Permit or suffer any animal owned by him/her, or in his/her possession, custody, or control, to defecate upon park/recreation facility property without immediately removing such animal feces, placing said feces in a sealed bag or other sealed container, and placing such bag or container with feces in a proper refuse receptacle. Persons with horses in their possession, custody, or control, at times and upon roads or trails designated for the riding of such animal, and, unsighted persons while relying on a guide dog, are exempt from the provisions of this subsection;
 - i. A violation of any of the provisions of this section shall be punishable as a misdemeanor.
- (Enacted July 6, 2004.)

1.65 Real Property--Appropriation or Encumbrance

No person shall deposit any earth, sand, rock, stone, or other substance within any park/recreation facility, nor shall he dig or remove any such material from within any park/recreation facility, nor shall he erect or attempt to erect any building, wharf, or structure of any kind by driving or setting up posts or piles, nor in any manner appropriate or encumber any portion of the real property owned, operated, controlled, or managed by the District without a permit from the Administrator. (Enacted July 6, 2004.)

1.66 Property--Use Of

No person shall:

- a. Dig up, pick, remove, mutilate, injure, cut, or destroy any turf, tree, plant, shrub, bloom, flower, artifact, or archeological site, or any portion thereof;
- b. Cut, break, injure, deface, or disturb any building, sign, fence, bench, structure, apparatus, equipment, or property, or any portion thereof, or
- c. Without a permit from the Administrator, make or place on any tree, plant, shrub, bloom, flower, building, sign, fence, bench, structure, apparatus, equipment, or property, or any portion thereof, any rope, wire, mark, writing, printing, sign, card, display, or similar inscription or device. (Enacted July 6, 2004.)

1.70 Locks and Keys

No person other than one acting under the direction of the Administrator shall duplicate or cause to be duplicated a key used by the District for a padlock or door lock of any type or description, nor shall any person divulge the combination of any lock so equipped to any unauthorized person. (Enacted July 6, 2004.)

1.75 Motorized Vehicles

- a. While within the boundaries of any park/recreation facility, no person shall drive or operate any automobile, motorcycle, motor scooter, motorized skateboard, pocket bike, trail bike, dune buggy, truck, or other motorized vehicle on roads or trails other than those designated for that purpose without a permit from the Administrator.
- b. While within the boundaries of any park/recreation facility, no person shall drive any automobile, motorcycle, motor scooter, truck, or other motorized conveyance, except an authorized emergency vehicle, at a rate of speed exceeding twenty-five miles per hour, except as may be otherwise posted by the Administrator, or in any case at speeds exceeding safe conditions dictated by prevailing circumstances.
- c. No person shall operate any automobile or other motorized vehicle within the boundaries of any park/recreation facility unless such vehicle is currently licensed, except unlicensed vehicles may be operated in areas designated for such use by District employees and in accordance with the rules established for such areas.
- d. No person shall park any automobile or other motorized vehicle within any park/recreation facility except in areas specifically designated as parking areas. In no case shall any person park a motorized vehicle in a manner that presents a hazard to the public.
- e. No person shall park or otherwise allow automobiles and other conveyances to remain within the boundaries of any park/recreation facility during the hours the facility is closed without a permit from the Administrator.
- f. No person shall abandon any motorized vehicle within the boundaries of a park/recreation facility.
- g. No person shall wash or repair any automobile or other motorized vehicle within the boundaries of any park/recreation facility.
- h. All motorized vehicles within the boundaries of any park/recreation facility shall be equipped with a properly installed muffler device which is in constant operation and which prevents excessive or unusual noise. No such muffler device or exhaust system shall be equipped with a cutout, bypass, or similar device. (Enacted July 6, 2004.)

1.80 Bicycle/Pedestrian Trails and Bicycles

Within the boundaries of any park facility no person shall:

- a. Operate any motorized vehicle, including, without limitation, motorcycles, trail bikes, motorized scooters, motorized skateboards, pocket bikes or motorized bicycles upon any bicycle trail except at street, driveway or access road intersections for the purpose of crossing a bicycle trail, without a permit from the Administrator;
- b. Hold any competitive event on any bicycle trail without a permit from the Administrator;
- c. Leave a bicycle in any place or position where other persons may trip over or be injured by it;
- d. Ride a bicycle on a designated off-street bicycle trail in excess of fifteen miles per hour, except for permitted competitive events; or in a manner which is unsafe or which may be injurious to the rider or other persons except for permitted competitive events.
- e. Ride a bicycle upon any unpaved road, trail or area, except on authorized fire roads, service roads or paths designated for bicycle use. (Enacted July 6, 2004.)

1.85 Prohibition of Skates/Skateboards in Park/Recreation Facilities

Except in such areas specifically designated for the use of such devices, no person shall ride upon a skateboard, roller skates, in-line skates, roller skis, or similar device within the boundaries of any park/recreation facility where the use of such devices has been prohibited by the posting of a sign or signs prohibiting such activity in locations which give users of the park/recreation facilities adequate notice and which clearly state the areas or locations of prohibition. (Enacted July 6, 2004.)

1.90 Hours of Use

The Administrator is authorized to promulgate reasonable opening and closing hours for park/recreation facilities. No person shall enter, remain in, or camp in or on any park/recreation facility during the hours or any part of the hours said facility is closed without a permit from the Administrator. (Enacted July 6, 2004.)

1.95 Games

The playing of rough or comparatively dangerous games such as football, baseball, horseshoes, soccer or of any games involving thrown, hit, or otherwise propelled objects such as golf balls, balls of other description, stones, arrows, javelins, or model airplanes is prohibited except in fields, courts, or areas specifically provided thereof or, with express permission of the Administrator, in areas compatible to said use. Persons desiring to use a park/recreation facility for the specific purpose for which the facility was established shall have priority of use over persons using said facility for another nonproscribed purpose. (Enacted July 6, 2004.)

1.100 Swimming

No person shall swim, bathe, or wade in any water or waterways within any park/recreation facility when such activity is prohibited and so posted by the Administrator upon his/her finding that use of the water would be dangerous to the user, incompatible with the function of the facility, or inimical to public health. (Enacted July 6, 2004.)

1.101 Boats

Public boating shall not be allowed within any District park/recreation facility including but not limited to Elk Grove Regional Park Lake, Camden Lake and Laguna Creek and its tributaries without a permit from the Administrator. (Enacted July 6, 2004.)

1.105 Regulations

The Administrator may establish and post regulations governing the use of park/recreation facilities, which are not inconsistent with regulations contained in this chapter and which promote public health and safety and the preservation of property. (Enacted July 6, 2004.)

1.110 Sound Amplification Equipment

- a. Within any park/recreation facility the volume on the sound amplification equipment must be kept at level that will not disturb other park/recreation facility users or the residents in the surrounding neighborhoods.
- b. Within any park/recreation facility no amplified outdoor music will be permitted past 7:00 p.m. except for community wide special events sponsored by the District.
- c. Within any park/recreation facility, no person shall use sound amplification equipment in excess of the adopted noise levels without a permit from the Administrator. The Administrator, when considering a permit application, shall assess and evaluate the potential disturbances to other park/recreation facility users or the residents in the surrounding neighborhoods. In doing so, the Administrator shall consider, the time frame of the activity, the type of activity proposed, the adjacent activities within the park/recreation facility, the proximity of the activity to residential neighborhoods and businesses, and other similar and pertinent factors.
- d. Upon assessing and evaluating the activity, the Administrator may impose conditions on the activity or may deny a permit.
- e. The Administrator's decision shall be based upon the exercise of his/her discretion and in light of the above factors and shall be rendered to promote and protect the health, safety and welfare of the participants in the activity and the spectators who may be drawn thereto, and including the property involved, and the community at large. (Enacted July 6, 2004.)

1.115 Severability

If any section, subsection, sentence, clause, phrase or portion of these regulations is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof. (Enacted July 6, 2004.)

1.120 Glass Beverage Containers—Prohibition

No person shall possess any cup, tumbler, bottle, jar or other container made of glass and used for carrying or containing any liquid for drinking purposes within any park/recreation facility except in locations where such containers are permitted under the terms of a lease, operating agreement or permit. The Board of Directors may by resolution designate, or authorize the Administrator to designate, the park/recreation facilities to be posted. (July 6, 2004.)

1.125 Concessions

- a. The sale of goods and services, including, but not limited to, food products, apparel, instructional lessons, and entertainment by natural persons or entities for commercial gain potentially adversely and seriously impacts the use of park/recreation facilities for use by the public for recreational purposes. Any such sales must be regulated through the use of concession contracts to insure that the goods and services marketed will promote the beneficial use of park/recreation facilities for recreational purposes.
- b. It shall be unlawful for any person or entity to enter on and use park/recreation facilities owned by the District for the purpose of selling goods or services for commercial gain without having first applied for and obtained from the Board of Directors a concession contract authorizing the sales and otherwise regulating the time, place, and manner of such sales. The violation of this subsection shall be punishable as a misdemeanor as provided in Section 1.07 of this ordinance.
- c. The provisions of this section shall not be deemed to apply to the sale or distribution of newspapers, books, pamphlets, or other activity constituting protected speech under the First Amendment of the United States Constitution or comparable protections under the California Constitution. (Enclosed July 6, 2004.)

1.130 Public Nuisance

Any violation of the provisions of this ordinance constitutes a public nuisance. (Enacted July 6, 2004.)

1.131 Authority to Arrest and Cite

The Administrator authorizes local law enforcement to make arrests and issue citations for misdemeanor and infraction violations of California law, City of Elk Grove codes and ordinances, or District park regulations when the violation is committed within a District park/recreation facility. (Enacted July 6, 2004.)

1.132 Parking Regulations Enforcement

The Administrator authorizes local law enforcement and fire agencies to enforce City of Elk Grove parking codes and to make arrests and issue citations for violation of such parking codes when the violation is committed within a District park/recreation facility. (Enacted July 6, 2004.)

1.135 Non-strap Skateboard and In-line Skate Park

- a. All persons using the District skate park must wear a helmet, elbow pads and kneepads. Violators of this rule will be cited and asked to leave. *Helmets must have a chin strap, which must be fastened at all times.*
- b. *While skating, smaller and/or younger skaters must always be given the right of way by larger and/or older skaters.*
- c. *The skate park is for use with skateboards and skates only. Bicycles, scooters, and motorized vehicles, including but not limited to, motorized scooters and pocket bikes are prohibited.*
- d. *Strap on skateboards and mini toy skateboards are prohibited.*
- e. *Structures, obstacles or other materials (ramps, jumps, etc.) may not be brought into the skate park.*
- f. *Persons teaching or coaching skaters must wear a protective helmet, elbow pads, and kneepads if they are within the skate park.*
- g. *Spectators are not allowed on the skating surface, except for persons teaching or coaching skaters.*

- h. *Skating is only permitted during posted hours of operation.*
- i. *Food and beverages are prohibited in the skate park.*
- j. *Glass containers are prohibited in the skate park.*
- k. *Alcohol and tobacco are prohibited in the skate park.*
- l. *No person shall cause graffiti, tagging or the placement of stickers or decals on any skate park facilities.*
- m. *The skate park will be closed when the surface is wet or when other dangerous conditions exist as determined by the Administrator.*
- n. *Animals are not allowed in the skate park.*
- o. *Amplified music is prohibited in the skate park unless the Administrator has issued a permit.*
- p. *The District does not assume any responsibility for injuries at the skate park. A disclaimer shall be posted at the skate park, which shall state: “**SKATEBOARDING AND SKATING MAY CONSTITUTE HAZARDOUS RECREATIONAL ACTIVITIES PURSUANT TO GOVERNMENT CODE SECTION 831.7(b). USE OF THIS FACILITY MAY RESULT IN SERIOUS BODILY INJURY, DISABILITY, OR EVEN DEATH. ELK GROVE COMMUNITY SERVICE DISTRICT DOES NOT ASSUME ANY RESPONSIBILITY FOR INJURIES. USE AT YOUR OWN RISK.**”*

1.140 Tennis Courts

- a. It is unlawful for any person upon any District tennis court to engage in any activity other than tennis, including, but not limited to, rollerskating, skateboarding, or riding upon a skateboard, bicycle unicycle, motorized skateboard, pocket bike or motor scooter without a permit from the Administrator.
- b. The Administrator may authorize by sign or by permit the use of a District tennis court for an activity other than tennis, if, in his/her opinion, such activity will not interfere with organized District recreation programs, risk damage to the tennis courts or cause annoyance or disturbance to the surrounding neighborhood. (Enacted July 6, 2004.)

1.145 Dog Parks

- a. All dogs using a District dog park must be licensed and current on all vaccinations.
- b. Dogs must be leashed when entering and leaving a District dog park.
- c. Dogs that are aggressive, in heat, unruly, ill or under four (4) months are not permitted in a District dog park.
- d. No owner can have more than three (3) dogs under his/her supervision in a District dog park. (Enacted July 6, 2004.)

1.150 Placement of Signs on District Property

Placement of signs, other than those posted by the District, is not allowed on District-owned property. (Enacted July 6, 2004.)

1.160 Possession of Aerosol Spray Paint Cans by Minors Prohibited

- a. Any minor person under the age of eighteen (18) is prohibited to have in their possession any aerosol spray can containing any substance commonly known as paint, while in a District park/recreation facility, whether such minor is or is not in any automobile, vehicle or other conveyance.
- b. This section shall not apply if such minor is in possession of an aerosol spray can in order to perform a task as directed by the minor's parent, guardian, instructor or employer, and if that task would not be a violation of this ordinance if conducted by an adult. (Enacted July 6, 2004.)

STAFF REPORT



DATE: July 6, 2004

TO: The Board of Directors

FROM: Rita K. Velasquez, General Manager

THROUGH: Keith Grueneberg, Fire Chief

BY: Steve Hauser, Fire Inspector III

SUBJECT: **Public Hearing to Consider Objections to Proposed Abatement of Weeds and Authorization for Fire Chief to Destroy Weeds on Specified Parcels**

RECOMMENDATION:

That the Board of Directors hear and consider objections or protests, if any, to the proposed weed abatement; and further, pass Resolution 2004-33 (Option A-Attachment "B" *or* Option B-Attachment "C") ordering the Fire Chief to cause the nuisances listed in Attachment "A" to be abated through removal of weeds.

EXECUTIVE SUMMARY:

- On May 7, 2002 the Board of Directors approved the expansion of the Elk Grove Community Service District Fire Department's (EGCSDFD) annual Weed Abatement Program.
- On April 21, 2004, a "Notice to Destroy Weeds" was mailed to all the parcel owners listed in Attachment "B" of Resolution 2004-24.
- June 4, 2004 was the deadline for property owners to abate the weeds on their parcels.
- Staff has been inspecting all parcels listed in Attachment "B" of Resolution 2004-24 since June 5, 2004 to confirm compliance with the "Notice to Destroy Weeds".
- Notice of the July 6, 2004 public hearing was published in the Elk Grove Citizen on Friday, June 25, 2004.
- An "Order to Abate" (Attachment "D") will be sent to the property owners of all parcels included in Resolution 2004-33 giving them 144 hours to have abatement of weeds completed prior to the District abating the weeds.
- The District contractor will proceed with abatement of all non-compliant parcels after July 17, 2004 with the goal to complete abatement by July 26, 2004.

BACKGROUND/ANALYSIS:

On May 7, 2002, the Board of Directors authorized the expansion of the EGCSDFD annual Weed Abatement Program that allowed for more expeditious results in achieving timely weed abatement of targeted parcels presenting a hazard within the community. On April 21, 2004 a total of 420 "Notice to Destroy" letters were sent to property owners. Staff began inspections of all the listed parcels on June 5, 2004 and a semi-final list of non-compliant parcels was completed June 22, 2004.

ELK GROVE COMMUNITY SERVICES DISTRICT

Your Independent Local Government Agency Providing Parks, Recreation, Fire and Emergency Medical Services

BOARD OF DIRECTORS
RESOLUTION TO AUTHORIZE FIRE CHIEF TO DESTROY WEEDS
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The July 6, 2004 public hearing is an opportunity for those property owners listed in Attachment "A" of Resolution 2004-33 (25 parcels as of June 22, 2004) to voice their concerns or objections to the proposed District abatement of weeds before the Board of Directors. While the hearing may be continued according to the statute, it is imperative that, upon the conclusion of the hearing, the Board allow or overrule any or all objections, due to the time constraints of the overall Weed Abatement Program. Two options for Resolution 2004-33 have been included in this report as a template. Option A (Attachment "B") will be utilized if the Board overrules any and all objections to the proposed District abatement and the entire list included in Attachment "A" is approved for abatement. Option B (Attachment "C") will be utilized if any objections raised cause the Board to eliminate a parcel(s) from Attachment "A". The decision of the Board is final.

Upon conclusion of the public hearing on July 6, 2004, the Board must order, by resolution, (*either* Option A *or* Option B), the Fire Chief to cause the nuisance(s) located on the properties included in Attachment "A" to be abated by having the weeds removed. An "Order to Abate" (see Attachment "D") will then be mailed to the remaining property owners that did not comply with the first notice. 144 hours (six calendar days) will be allowed with which to comply with the notice. Once the deadline to abate has passed, the District contractor will be directed to abate, to District-specified standards, the remaining non-compliant parcels. The deadline for having the non-compliant parcels within our system abated of weeds is July 26, 2004.

Respectfully submitted,

Keith Grueneberg
Fire Chief

Attachments

(For Attachments, contact CSD Admin @ 685-7069)

STAFF REPORT

DATE: July 6, 2004
TO: Board of Directors
FROM: Rita K. Velasquez, General Manager
BY: Jeff Ramos, Administrative Services Director
SUBJECT: JOINT USE AGREEMENT WITH ELK GROVE UNIFIED SCHOOL DISTRICT FOR USE OF WACKFORD AQUATIC COMPLEX



RECOMMENDATION

That the Board of Directors approve the joint use agreement with the Elk Grove Unified School District for use of the Wackford Aquatic Complex.

BACKGROUND/ANALYSIS

As part of the funding plan for the Wackford Community/Aquatic Complex, the Elk Grove Unified School District (EGUSD) contributed \$750,000 towards the construction of the Aquatic Complex. In exchange for their contribution, the District is making the swimming pools, locker rooms and parking lot available to EGUSD for their high school swim team and swimming instruction activities during the spring and fall of each year. EGUSD will be required to provide its own equipment, instructors, lifeguards, locker room attendants and supervisory personnel during their use of the Aquatic Complex. In addition, EGUSD will contribute towards the operational, maintenance and capital replacement costs of the Aquatic Complex at Board approved hourly rates.

In scheduling use of the Aquatic Complex, all District sponsored activities will have first priority and EGUSD activities will have second priority. Appropriate levels of General Liability and Workers Compensation insurance coverage and indemnification of the District is also required. Finally, as part of the agreement, the EGUSD's \$750,000 contribution is being amortized over a twenty (20) year period. What this means is that if the District were to terminate this agreement within this twenty (20) year period, EGUSD would be reimbursed for a portion of their initial \$750,000 contribution as identified on Exhibit A of the Agreement.

Legal counsel has reviewed the attached agreement.

Staff is currently working with the School District to complete the scheduling of their activities at the Aquatic Complex. Approval of the agreement tonight will allow both entities to finalize their plans for use of the Aquatic Complex in anticipation of the opening in September.

ELK GROVE COMMUNITY SERVICES DISTRICT

Your Independent Local Government Agency Providing Parks, Recreation, Fire and Emergency Medical Services

Board of Directors
RE: Approval of Joint Use Agreement with EGUSD
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Staff is very excited about this partnership with the Elk Grove Unified School District. This joint use opportunity allows the District to maximize use of the Aquatic Complex while also allowing the School District an opportunity to enhance its swim team activities and swimming instruction to its students.

If you have any questions, please contact me prior to the meeting.

Respectfully submitted,

Jeff Ramos
Administrative Services Director

Attachment

**JOINT USE AGREEMENT BETWEEN
ELK GROVE UNIFIED SCHOOL DISTRICT
AND
ELK GROVE COMMUNITY SERVICES DISTRICT
FOR USE OF THE BARBARA MORSE WACKFORD
COMMUNITY/AQUATIC COMPLEX**

THIS AGREEMENT, made and entered into this ____ day of _____, 2004, by and between the ELK GROVE COMMUNITY SERVICES DISTRICT, hereinafter referred to as "EGCSD" and the ELK GROVE UNIFIED SCHOOL DISTRICT, hereinafter referred to as "SCHOOL DISTRICT."

RECITALS

WHEREAS, it is to the mutual benefit of the EGCSD and the SCHOOL DISTRICT to contribute jointly to the establishment of recreational facilities which can serve the interest, convenience and needs of both the general public and the SCHOOL DISTRICT; and

WHEREAS, the Education Code and the Government Code of the State of California authorize and empower school districts and community services districts to organize, promote and conduct programs of community recreation; to establish systems of playgrounds and recreation and to acquire, improve, maintain and operation recreation centers; and

WHEREAS, the EGCSD owns and operates the swimming pool and related facilities located at 9014 Bruceville Road referred to collectively as the Barbara Morse Wackford Community/Aquatic Complex; and

WHEREAS, EGCSD and SCHOOL DISTRICT desire to cooperate with each other and enter into an agreement pursuant to the law for the purpose of sponsoring and promoting educational and recreational activities at the Aquatic Complex.

AGREEMENT

In consideration of the sum of \$750,000, EGCSD hereby grants to SCHOOL DISTRICT the right to use the Barbara Morse Wackford Community/Aquatic Complex (Aquatic Complex) upon the following terms and conditions:

- 1) TERM. This Agreement shall become effective upon execution and shall continue until terminated as herein provided. Either party may terminate this Agreement by giving six (6) months prior written notice thereof to the other party.
- 2) USE OF EGCSD PROPERTY. EGCSD shall make available to SCHOOL DISTRICT use of the swimming pools, bath house, parking lot and all related facilities, except for the snack bar, located at the Aquatic Complex, for the purpose of scheduling high school swim team activities and conducting swimming instructions to students during the Spring and Fall of each year as designated on the approved schedule of facility use prepared in accordance with paragraph 3.

During its use of the Aquatic Complex, SCHOOL DISTRICT shall provide all supervisory personnel, instructors, lifeguards, check-in and locker room attendants at its own cost and expense.

SCHOOL DISTRICT shall leave the facilities in a clean, orderly and securely locked condition following their scheduled use.

SCHOOL DISTRICT shall provide all expendable materials and equipment required for their swim team and swimming instruction activities and adequate personnel to supervise SCHOOL DISTRICT activities conducted on EGCSO property. SCHOOL DISTRICT personnel shall be under the supervision of SCHOOL DISTRICT. SCHOOL DISTRICT may provide an equipment storage container at its cost to store its equipment. Placement of the container on the Aquatic Complex grounds shall be subject to approval of EGCSO.

EGCSO shall provide and maintain all of said facilities in accordance with the requirements of the Department of Public Health of the State of California, and shall provide electricity, water, and shall keep the surrounding areas in a clean and sanitary condition. EGCSO shall provide janitorial service during their scheduled use.

SCHOOL DISTRICT shall contribute towards the operational, maintenance and capital replacement costs of the facility. By January 31st of each year, EGCSO shall calculate the hourly rate for operational and maintenance costs and prorated share of capital replacement costs for the upcoming fiscal year. This hourly rate shall be charged to all users of the Aquatic Complex. EGCSO shall notify SCHOOL DISTRICT of such hourly rate and prorated share of capital replacement costs by January 31st of each year. The amount to be invoiced to the SCHOOL DISTRICT will be calculated by EGCSO each January and July based on the hourly rate and number of hours the Aquatic Complex was used by SCHOOL DISTRICT for the prior six-month period (i.e. July through December is invoiced in January and January through June is invoiced in July) and payment shall be made by SCHOOL DISTRICT within two (2) weeks of the invoice date.

3. SCHEDULING PRIORITY AND FEES. In scheduling the use of the Aquatic Complex, EGCSO sponsored and co-sponsored activities shall have first priority, school events and programs shall have second priority, and any other events by other clubs, organizations, or other agencies shall have priority thereafter.

A schedule of dates for the use of the Barbara Morse Wackford Community/Aquatic Complex by SCHOOL DISTRICT shall be submitted to EGCSO in January for the following July to December period and July for the following January to June period of each year. The schedule shall be arranged in order to avoid conflict between both parties' primary use with the EGCSO sponsored activities having first priority pursuant to the preceding paragraph. If this schedule is not received by EGCSO in January and July as stipulated, EGCSO shall continue to schedule the use of the Aquatic Complex and cannot guarantee availability of dates requested by SCHOOL DISTRICT. In addition, if all amounts invoiced are not paid within the due date, the schedule(s) submitted by SCHOOL DISTRICT will not be approved until all fees have been paid and EGCSO cannot guarantee availability of dates requested by SCHOOL DISTRICT.

During the period that SCHOOL DISTRICT has the use and control of EGCSO facilities, SCHOOL DISTRICT at its sole discretion may determine to charge fees for use of said facilities or for the attendance at events occurring on said facilities.

4. IMPROVEMENT TO EGCSO PROPERTY. SCHOOL DISTRICT may install improvements on EGCSO facilities provided such installation is not in conflict with

EGCSD use and is approved by the Governing Board of the EGCSD prior to installation. All such improvements constructed or placed on EGCSD property shall be available for EGCSD use for EGCSD purposes during such time as designated on the approved schedule of facility use, prepared in accordance with paragraph 3. The cost of maintaining any such improvements shall be the responsibility of SCHOOL DISTRICT.

Plans and specifications for the placement of all improvements upon the property and the type, design and construction thereof, shall be approved by the Governing Board of the EGCSD prior to construction or installation. Any improvements installed or constructed on EGCSD property and financed entirely by SCHOOL DISTRICT shall remain the property of SCHOOL DISTRICT, and shall be removed if joint use is terminated. However, prior to removal, EGCSD shall have the opportunity to purchase such improvements at a price mutually agreed upon. In the event of removal, EGCSD property shall be left in at least as good condition as existed prior to construction of such improvements, normal wear and tear excepted.

5. DAMAGE REPAIR. SCHOOL DISTRICT shall reimburse EGCSD for any and all damages to the Barbara Morse Wackford Community/Aquatic Complex when such damage occurs during and as a result of SCHOOL DISTRICT's negligent or willful misuse of the Aquatic Complex.
6. DEPRECIATION. It is estimated that it will take twenty (20) years from the date of this agreement to fully depreciate the value of SCHOOL DISTRICT'S contribution toward the Aquatic Complex. Therefore, should EGCSD terminate this agreement prior to the end of twenty (20) years from the date of this agreement, SCHOOL DISTRICT shall be reimbursed by EGCSD an amount equal to the residual value of SCHOOL DISTRICT'S contribution, as more fully scheduled on Exhibit A attached hereto and incorporated herein. Should SCHOOL DISTRICT terminate this Agreement prior to the end of twenty (20) years for reasons other than EGCSD's failure to fulfill the terms hereof, EGCSD will not be required to reimburse SCHOOL DISTRICT for the residual value of their contribution.
7. INSURANCE. Throughout the term of this Agreement, each party shall maintain in full force and effect:

General Liability Insurance in the amount of at least One Million Dollars (\$1,000,000) combined single limit to defend and pay claims for bodily injury, property damage, death and personal injury occurring upon, in or about the Barbara Morse Wackford Community/Aquatic Complex. Each party shall cause the other party to be named on its insurance policy as an additional insured. Each party shall provide to the other party evidence of this required insurance on an annual basis.

Workers compensation coverage or insurance for all employees of the respective parties engaged in employment upon, in or about the Barbara Morse Wackford Community/Aquatic Complex as required by the laws of the State of California. Annually, each party shall provide to the other party evidence of workers compensation coverage or insurance.

8. INDEMNITY. EGCSD agrees to indemnify and hold SCHOOL DISTRICT, its officers, employees, and volunteers harmless from and against all claims, demands and

causes of action for personal injury or death or property damage, arising out of the use of the Barbara Morse Wackford Community/Aquatic Complex by EGCS D or anyone acting under EGCS D's direction or control or on its behalf, and caused by the negligent act or omission of EGCS D or of anyone acting under EGCS D's direction or control or on its behalf.

SCHOOL DISTRICT agrees to indemnity and hold EGCS D, its officers, employees, and volunteers harmless from and against all claims, demands and causes of action for personal injury or death or property damage, arising out of the use of the Barbara Morse Wackford Community/Aquatic Complex by SCHOOL DISTRICT or anyone acting under SCHOOL DISTRICT's direction or control or on its behalf, caused by the negligent act or omission of SCHOOL DISTRICT or of anyone acting under SCHOOL DISTRICT's direction or control or on its behalf.

9. NOTICES. Notices hereunder or pursuant to this Agreement shall be deemed given as of the date of receipt if either delivered personally, sent by facsimile or sent by registered or certified mail, postage and charges prepaid, to the following addresses:

EGCS D:

General Manager
Elk Grove CSD
8820 Elk Grove Boulevard, S. 1
Elk Grove, CA 95624

SCHOOL DISTRICT:

Superintendent
Elk Grove Unified School District
9510 Elk Grove-Florin Road
Elk Grove, CA 95624

IN WITNESS WHEREOF,

Elk Grove Unified School District of Sacramento County, California, has, by authority of its Board of Trustees, caused this Agreement to be signed by the Superintendent of said SCHOOL DISTRICT, and the Elk Grove Community Services District of Sacramento County, California, has, by authority of its Board of Directors, it's governing body, caused this Agreement to be signed by the President of the Board and attested by the Secretary of the Board as set forth below.

DATED: _____, 2004

Superintendent
Elk Grove Unified School District

DATED: _____, 2004

President
Board of Directors
Elk Grove Community Services District

DATED: _____, 2004

Secretary
Board of Directors
Elk Grove Community Services District

EXHIBIT A

Residual Value of SCHOOL DISTRICT Contribution:

<u>Date</u>	<u>Beginning Balance</u>	<u>Depreciation</u>	<u>Residual Value</u>
September 1, 2004	\$ 750,000	\$ 31,250	\$ 718,750
June 30, 2005	718,750	37,500	681,250
June 30, 2006	681,250	37,500	643,750
June 30, 2007	643,750	37,500	606,250
June 30, 2008	606,250	37,500	568,750
June 30, 2009	568,750	37,500	531,250
June 30, 2010	531,250	37,500	493,750
June 30, 2011	493,750	37,500	456,250
June 30, 2012	456,250	37,500	418,750
June 30, 2013	418,750	37,500	381,250
June 30, 2014	381,250	37,500	343,750
June 30, 2015	343,750	37,500	306,250
June 30, 2016	306,250	37,500	268,750
June 30, 2017	268,750	37,500	231,250
June 30, 2018	231,250	37,500	193,750
June 30, 2019	193,750	37,500	156,250
June 30, 2020	156,250	37,500	118,750
June 30, 2021	118,750	37,500	81,250
June 30, 2022	81,250	37,500	43,750
June 30, 2023	43,750	37,500	6,250
June 30, 2024	6,250	6,250	0

DATE: July 6, 2004

TO: Foundation Board of Directors

FROM: David L. Wigginton, Administrator
Department of Parks and Recreation

BY: Kelly Crowder, Recreation Supervisor

**SUBJECT: APPROVAL OF RESOLUTION F2004-01 TO TRANSFER
ASSISTANCE FUNDS TO THE PARKS AND RECREATION
DEPARTMENT**

RECOMMENDATION

That the Elk Grove CSD Foundation Board of Directors:

- a) Approve Resolution F2004-01 appropriating \$14,968.25 within the Elk Grove CSD Foundation budget, Index 9260, Account No. 3800, Contributions to Other Funds, with offsetting Interest Income, Account No. 9410, of \$224, and Donations and Contributions, Account No. 9730, of \$14,744.25; and
- b) Authorize the transfer of this \$14,968.25 to the Elk Grove Community Services District, Department of Parks and Recreation Budget, to be used for activity assistance provided between November 1, 2003 and May 31, 2004.

BACKGROUND/ANALYSIS

From November 1, 2003 to May 31, 2004, 289 assistance requests were received totaling \$14,968.25. Participants used these funds for, Adventure and Challenge camps, Jr. Lifeguards, swim lessons, preschool, Kid Central, youth sports programs, leisure enrichment classes and special events. Operation Clyde contributions of \$1,838 have been received during this time period of November 1, 2003 – May 31, 2004. This includes donations from individuals, registration, United Way and CSD Payroll deductions. Currently the balance in the Operation Clyde fund is \$59,070 before this transfer.

The following is a summary of information for the Operation Clyde program from November 1, 2003 through May 31, 2004:

Total number of assistance requests – 289

Total types of requests:

Government assistance related requests – 208

Non-government assistance related requests – 81

Total amount of assistance provided – \$14,968.25

Budget Areas:

03 \$8,835.00 (Leisure & Education)

04 \$3,936.00 (Sports & Aquatics)

05 \$2,173.25 (Youth Development)

06 \$ 24.00 (Special Events)

Current balance of Operation Clyde Activity Assistance Funds - \$59,070.

TRANSFER RESOLUTION

The attached resolution appropriates \$14,968.25 from the Operation Clyde Activity Assistance Fund so that it may be transferred to the Parks and Recreation Department for reimbursement of activity assistance provided from November 1, 2003 through May 31, 2004.

Should you have further questions, please contact me prior to the Board Meeting.

Respectfully Submitted,

David Wigginton, Administrator
Department of Parks and Recreation

ELK GROVE COMMUNITY SERVICES DISTRICT FOUNDATION

RESOLUTION NO. F2004-01

WHEREAS, the Foundation has established the Operation Clyde Recreation Activity Assistance Fund to provide funds for CSD residents who could not otherwise afford to participate in recreation activities; and

WHEREAS, the Operation Clyde Recreation Activity Assistance Fund has received \$1526.00 of Donations and Contributions between November 1, 2003 and May 31, 2004 and \$244 of Interest Income; and

WHEREAS, the EGCSO Parks and Recreation Department has awarded activity assistance to 289 participants totaling \$14,968.25 between November 1, 2003 and May 31, 2004; and

WHEREAS, the Foundation intends to contribute this money to the EGCSO specifically for the purpose of Operation Clyde Recreation Activity Assistance.

NOW, THEREFORE, BE IT RESOLVED, the Elk Grove CSD Foundation Board of Directors appropriates \$14,968.25 within the Elk Grove CSD Foundation budget, Index 9260, Account No. 3800, Contributions to Other Funds, with offsetting Interest Income, Account No. 9410, of \$224, and Donations and Contributions, Account No. 9730, of \$14,744.25.

Passed and adopted this 6th day of July, 2004 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Pat Perez, President

ATTEST: _____
Rita K. Velasquez, Secretary

STAFF REPORT



DATE: July 6, 2004

TO: Foundation Board of Directors

FROM: David L. Wigginton, Administrator
Department of Parks and Recreation

BY: Kelly Crowder, Recreation Supervisor

SUBJECT: APPROVAL OF RESOLUTION F2004-02 TO TRANSFER COMMUNITY GARDEN FUNDS TO THE PARKS AND RECREATION DEPARTMENT

RECOMMENDATION

That the Elk Grove CSD Foundation Board of Directors:

- a) Approve Resolution F2004-02 appropriating \$8,403 within the Elk Grove CSD Foundation budget, Index 9260, Account No. 3800, Contributions to Other Funds, with offsetting Donations and Contributions, Account No. 9730, of \$6,854; and \$1,549 from Community Garden Reserves, GL Account 0710, subsidiary 071012; and
- b) Authorize the transfer of this \$8,403 to the Elk Grove Community Services District, Department of Parks and Recreation Budget as reimbursement for the relinquishment of the funds.

BACKGROUND/ANALYSIS

It has been determined that the Food Bank and Community Garden and Learning Center can better serve our community by teaming up together. The Mission Statement for the Food Bank is "Develop, mobilize, and provide community resources to assist our neighbors, promote independence, and preserve dignity in the fight against the many faces of hunger and human need." The focus of the Community Garden and Learning Center is to provide plots for growing food that can be distributed through the Food Bank and to educate the community on proper health, nutrition and how to grow their own healthy foods. The partnership between these two organizations with combined forces can truly make a positive impact on the Elk Grove community.

The donations and contributions made to the Community Gardens and Learning Center were deposited directly into the Elk Grove Community Services District Foundation Account. The Elk Grove Community Gardens and Learning Center have been reimbursed for the sum of \$8,403 by the Elk Grove CSD Department of Parks and Recreation, therefore, the request for transfer of \$8,403 from the EGCSO Foundation account to the Elk Grove Community Services District, Department of Parks and Recreation.

ELK GROVE COMMUNITY SERVICES DISTRICT

Your Independent Local Government Agency Providing Parks, Recreation, Fire and Emergency Medical Services

TRANSFER RESOLUTION

The attached resolution appropriates \$8,403 from the Community Garden and Learning Center Fund so that it may be transferred to the Parks and Recreation Department for reimbursement funds relinquished to the Community Garden.

Should you have further questions, please contact me prior to the Board Meeting.

Respectfully Submitted,

David Wigginton, Administrator
Department of Parks and Recreation

ELK GROVE COMMUNITY SERVICES DISTRICT FOUNDATION

RESOLUTION NO. F2004-02

WHEREAS, the Foundation has received money through donations and contributions to the Elk Grove Community Gardens and Learning Center; and

WHEREAS, the Community Gardens and Learning Center Fund has received \$8,403 of Donations and Contributions since their existence; and

WHEREAS, it has been determined that the Food Bank and the Community Gardens and Learning Center create a partnership that would better serve the Elk Grove Community; and

WHEREAS, the Foundation intends to contribute this money to the EGCSO specifically for the purpose of reimbursement for the relinquishment of the funds to the Elk Grove Community Gardens and Learning Center.

NOW, THEREFORE, BE IT RESOLVED, the Elk Grove CSD Foundation Board of Directors appropriates \$8,403 within the Elk Grove CSD Foundation budget, Index 9260, Account No. 3800, Contributions to Other Funds, with offsetting Donations and Contributions, Account No. 9730, of \$6,854, and \$1,549 from Community Garden Reserves, GL Account 0710, subsidiary 071012.

Passed and adopted this 6th day of July, 2004 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Pat Perez, President

ATTEST: _____
Rita K. Velasquez, Secretary

STAFF REPORT



DATE: July 6, 2004

TO: Elk Grove CSD Foundation Board of Directors

FROM: Rita K. Velasquez, General Manager

BY: Jeff Ramos, Administrative Services Director

SUBJECT: ACCEPT DONATION OF .10 ACRES OF PROPERTY ALONG BIG HORN BLVD, APPROPRIATE FUNDS AND AUTHORIZE TRANSFER OF THIS PROPERTY TO THE ELK GROVE CSD

RECOMMENDATION

That the EGCSD Foundation's Board of Directors:

- 1) accept the donation of parcel number 119-0132-044, .10 acres of land valued at \$63,500 from Al-Shammas & Doumit, A General Partnership;
- 2) approve Resolution F2004-03, appropriating \$63,500 within the Elk Grove CSD Foundation budget, Index 9260, Account No. 3800, Contributions to Other Funds, with offsetting Donations and Contributions, Account No. 9730; and
- 3) authorize the transfer of this property to the Elk Grove Community Services District and the General Manager to execute all necessary documents.

BACKGROUND\ANALYSIS

The subject parcel is a 4,234 square foot area of land located on the south side of Big Horn Boulevard next to Laguna Creek High School. This parcel originates from the sale of the Laguna Creek High School site to the Elk Grove Unified School District (EGUSD) back in 1991. The area of land was excluded from the sale and has been left vacant and undeveloped ever since.

Over the years, the District has received numerous complaints of weeds and trash on the site and has made attempts to secure the property from the owners. This year, staff worked out an agreement with the owners to have the property donated to the Foundation as a tax write off.

The District is working to transfer this parcel to EGUSD, who is interested in expanding the parking lot adjacent to the parcel. The District via a landscape maintenance easement would maintain any improvements made to the landscape corridor.

Please call me prior to the meeting should you have any questions.

Respectfully submitted,

Jeff Ramos
Administrative Services Director

ELK GROVE COMMUNITY SERVICES DISTRICT FOUNDATION

RESOLUTION NO. F2004-03

WHEREAS, the EGCSF Foundation has received a land donation with a fair market value of \$63,500 from Al-Shammas & Doumit; and

WHEREAS, this property has been left vacant for over ten years and the District has received numerous complaints of weeds; and

WHEREAS, the Foundation intends to transfer this property to the Elk Grove CSD so that it may work with the Elk Grove Unified School District for expansion of their parking lot.

NOW, THEREFORE, BE IT RESOLVED, that the EGCSF Foundation Board of Directors appropriates \$63,500 within the Elk Grove CSD Foundation Budget, Index 9260, G/L Account No. 3800, Contributions to Other Funds, with offsetting revenue in G/L Account No. 9730, Donations and Contributions.

Passed and adopted this 6th day of July, 2004, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Pat Perez, President

ATTEST: _____
Rita K. Velasquez, Secretary